

**REMARKS**

Claims 1, 2, 3, 23, 26, 29, 30, 31, and 33 are rejected under 35 U.S.C. section 103(a) as being anticipated by U.S. Patent No. 6,714,724 to Hayee et al. ("Hayee") in view of Mabuchi et al. (JP Application 62-171351).

Claim 4 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hayee in view of Mabuchi et al. further in view of U.S. Patent No. 4,442,528 to Fukuda ("Fukuda").

Claims 5-8, 27, 32, 34, and 35 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hayee, in view of Mabuchi et al. further in view of U. S. Patent No. 6,204,810 B1 to Smith ("Smith").

Claims 9-13, 21, 22, 24, 25, and 36 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hayee in view of Mabuchi et al.

Claims 14-20 and 37-42 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hayee in view of U.S. Patent No. 6,072,994 in view of Mabuchi et al. further in view of Phillips et al. ("Phillips").

Claim 28 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,608,722 to Miller ("Miller") in view of Hayee and Mabuchi et al.

Claims 1-42 are pending.

Notably, while the Examiner has recited that Hayee, the reference used in all of the rejections, deals with free space optics, the citation by the Examiner at column 1, line 17 is in the Background of the Invention of Hayee. The PDM and WDM systems described therein are directed to systems over optical fibers. A key advantage as stated in Hayee, column 2, lines 57-61, is that the data recovery is not affected by randomly varying perturbations in polarization, e.g., by variations in the fiber birefringence. Instead, the present invention, in free space, solves

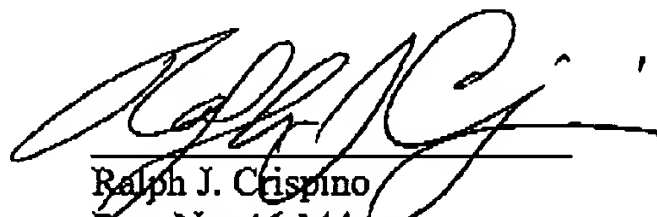
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the problem of optical intensity variations (e.g., caused by weather changes) that may result in data loss (e.g., missed or erroneous bits), for example, in the event the light intensity is not sufficiently high to register a logical '1', or in the event background 'noise' is intense enough to obscure the logical '0' and erroneously register a '1' instead.

Applicant has amended claims 1, 28 and 29 to more particularly point out and distinctly claim the invention. Claims 1, 28 and 29 have been amended to recite that a first portion of data stream information is encoded in a first optical carrier signal, and a second portion of data stream information is encoded in a second optical carrier signal. The receiver decodes the first portion of the data stream information from the first optical carrier and the second portion of the data stream information from the second optical carrier by combining the signals thereby eliminating effects of detrimental background noise. Further, the first optical carrier and the second optical carrier operate on different wavelengths.

In view of the foregoing amendments to claims 1, 28 and 29, applicants respectfully request reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course.

Respectfully submitted,



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